

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

In Re:

Case No: 19-41912-CJP
Chapter 13

Kimberley A. Collins,

Debtor

Exh. B

**NOTICE OF INTENDED PRIVATE SALE OF PROPERTY
SOLICITATION OF COUNTEROFFERS
DEADLINE FOR SUBMITTING OBJECTIONS AND HIGHER OFFERS
AND HEARING DATE**

**JUNE 1, 2022 IS THE DATE OF THE PROPOSED SALE SUBJECT TO
THE ENTRY OF AN ORDER APPROVING THIS SALE.**

**MAY 13, 2022 at 4:00 p.m. THE DATE BY WHICH OBJECTIONS MUST
BE MADE.**

Notice is hereby given, pursuant to 11 U.S.C., ss. 363 and 1303, Fed. R. Bankr. P. 2002 (a) (2) and 6004, and MLBR Rule 2002-5 and 6004-1, that Kimberley A. Collins, the Debtor in the above case intends to sell at private sale all of her right, title and interest in certain real property.

PROPERTY TO BE SOLD:

The property is located at 34 Troy Road, N. Andover, Essex County, Massachusetts and is further described as a residential, single-family home. (the "Property").

THE OFFER:

The Debtor has received an offer to purchase the Property for the sum of Five Hundred Twenty-Six Thousand and 00/000 Dollars (\$526,000.00).

THE PROPOSED BUYER:

The proposed buyer is Stephen Bowen of Constitution Properties, LLC. Upon information and belief the Purchaser has no connection with the Debtor and is not an insider as that term is defined in 11 U.S.C. s. 101 (31).

THE SALE DATE:

The sale shall take place on or after June 1, 2022 based on this Court's allowance of the Debtor's Motion for Order Authorizing and Approving Private Sale of Property of the Estate Free and Clear of Liens ("Motion to Approve Sale"). The terms of the proposed sale are more particularly described in the Motion for Order Authorizing and Approving Private Sale filed with the Court on April 19, 2022.

SALE FREE AND CLEAR OF LIENS:

The Property will be sold free and clear of all liens, claims and encumbrances. The Mortgage of Rushmore Loan Servicing, LLP shall attach to the proceeds of the sale according to priorities established under applicable laws and shall be paid full.

COUNTER OFFERS OR OBJECTIONS:

Any objections to the sale and/or higher offers must be filed in writing with the Clerk, United States Bankruptcy Court at 595 Main Street, Worcester, Massachusetts on or before May 13, 2022 (the "Objection Deadline"). A copy of the objection or higher offer shall be served upon the undersigned. Any objection to the sale must state with

particularity the grounds for the objection and why the intended sale should not be authorized. Any objection to the sale shall be governed by Fed. R. Bankr.P. 9014.

Through this Notice, higher offers for the Property are hereby solicited. Any higher offer must be no less than \$526,000 and accompanied by a cash deposit of \$5,000.00 in the form of a certified or bank check payable to the undersigned. Higher offers must be on the same terms and conditions noted herein.

HEARING:

A hearing on the Motion to Approve Sale, objections or higher offers is scheduled to take place on: May 24, 2022 at 1:00 p.m. before the Honorable Christopher J. Panos, United States Bankruptcy Judge, at the United States Bankruptcy Court, 446 Main Street, Worcester, Massachusetts. **The hearing will be held by telephone. Interested parties may call in to 877-873-8018 and dial access code 1167883.** Any party who has filed an objection or higher offer is expected to be present at the hearing, failing which the objection may be overruled or the higher offer stricken. The Court may take evidence at any hearing on approval of the sale to resolve issues of fact. If no objection to the Motion to Approve Sale or higher offer is timely filed, the Court, in its discretion, may cancel the scheduled hearing and approve the sale without hearing.

At the hearing on the sale the Court may 1) consider any requests to strike a higher offer, 2) determine further terms and conditions of the sale, 3) determine the requirements for further competitive bidding and 4) require one or more rounds of sealed or open bids from the original offeror and any other qualifying offeror.

DEPOSIT:

The deposit on any accepted counter-offer will be forfeited to the Debtor if the successful purchaser fails to complete the sale by the date ordered by the Court. If the sale is not completed by the buyer approved by the Court, the Court, without further hearing, may approve the sale of the Property to the next highest bidder.

Any questions concerning the intended sale shall be addressed to the undersigned.

KIMBERLEY A. COLLINS,
By her Attorney,

/s/ Robert R. Thomas
Robert R. Thomas, #639402
Harvey, Kleger & Thomas
184 Pleasant Valley St.
Methuen, MA 01844
Tel. 978-688-9800 x223
Fax 978-686-1919
robthomaslaw@gmail.com

Dated: April 19, 2022